

**REMARKS**

This Amendment is filed in response to the Office Action dated February 8, 2007. For the following reasons this amendment should be entered, the application allowed, and the case passed to issue. No new matter is introduced by this amendment. The amendments to claims 3, 5, and 14 are supported throughout the specification, including Figs. 3 and 5, and the accompanying portions of the specification.

Claims 1-14 are pending in this application. Claims 1 and 2 are withdrawn from consideration, pursuant to a restriction requirement. Claims 3-14 have been rejected.

***Restriction***

The restriction requirement is traversed, and reconsideration and withdrawal thereof respectfully requested. As previously explained, Groups I and II are clearly not related as intermediate-final product.

***Claim Rejections Under 35 U.S.C. §§ 102 and 103***

Claims 3-12 and 14 were rejected under 35 U.S.C. § 102(b) as anticipated by or, in the alternative, under 103(a) as obvious over Kodama et al. (JP 2000-277093). This rejection is traversed, and reconsideration and withdrawal thereof respectfully requested. The following is a comparison between the invention as claimed and the cited prior art.

An aspect of the invention, per claim 3, is a battery element internally sealed in a laminate sheet provided with a thermally welding resin layer and a metallic layer laminated thereon comprising an electric power generating element and a tab. The tab extending out from a laminate sheet without being juxtaposed to another tab is formed with a thermally welding resin layer which is thermally welded with a thermally welding resin layer of a laminate sheet

and connected to the electric power generating element with an amount of resin allowing an amount of resin, to be pushed outside the tab, to be compensated.

Another aspect of the invention, per claim 5, is a laminate battery comprising a tab and an electric power generating element connected to the tab. A laminate sheet allows the electric power generating element to be accommodated. The laminate sheet has a metallic layer and a thermally welding resin layer laminated on the metallic layer. The tab extends out from the laminate sheet without being juxtaposed to another tab such that the tab and the thermally welding resin layer are welded by permitting a thermally welding area, which is formed in at least one of the thermally welding resin layer and the tab, and the other of the thermally welding resin layer and the tab to be welded to one another with an amount of resin allowing an amount of resin, to be pushed outside the tab, to be compensated.

Another aspect of the invention, per claim 14, is a method of manufacturing a laminate battery comprising preparing a tab and an electric power generating element connected to the tab. A laminate sheet having a metallic layer and a thermally welding resin layer laminated on the metallic layer is prepared. The tab, with extends out from the laminate sheet without being juxtaposed to another tab, and the thermally welding resin layer are welded, such that a thermally welding area formed in at least one of the thermally welding layer and the tab is welded to the other of the thermally welding layer and the tab with an amount of resin allowing an amount of resin, to be pushed outside the tab, to be compensated, while permitting the electric power generating element to be accommodated in the laminate sheet.

The Examiner asserted that Kodama et al. disclose a battery element sealed in a laminate sheet (10) provided with a thermally welded resin layer (12a, 12b) and a metallic layer (11) laminated thereon comprising: an electric power generating element called an electrode object

(20) and a tab or electrode terminal (21a, 22a) formed with a thermally welded resin layer (12a, 12b). The Examiner acknowledged that Kodama et al. do not disclose that the resin is provided in an amount that compensates the resin to be pushed outside the tab, however, the Examiner asserted that this was inherent. Alternatively, it would have been within the skill of the ordinary artisan to adjust the thickness of the thermally welding resin in order to compensate for the differing thicknesses of the tabs and to prevent moisture from permeating the cell or electrolyte from leaking.

Kodama et al., however, do not anticipate or suggest the claimed battery element, laminate battery, and method of manufacturing a laminate battery because Kodama et al. do not teach a tab extending out from the laminate sheet without being juxtaposed to another tab, as required by claims 3, 5, and 14.

The specific structure of the present invention provides a battery element and laminate battery that enable sufficient separation between the tab and the metallic layer of the laminate sheet to be maintained thereby preventing degradation of the battery characteristics, while preventing the interference between the positive and negative tabs and resulting short circuits.

On the contrary, Kodama et al. disclose a thin-type battery provided with an outer case (10) including a metal layer (11) with an inner resin layer (12a) and an outer resin layer (12b), a positive electrode terminal (21a) and a negative electrode terminal (22a). The positive electrode terminal (21a) and the negative electrode terminal (22a) juxtaposedly extend out from the same side of the outer case (10), while being sealed between the inner resin layers (12a, 12a) of the outer case (10). In Kodama et al., to overcome the possibility of an electric short, the positive electrode terminal (21a) is in contact with the metal layer (11) of the outer case (10) to act as the stopper between the metal layers (11, 11) so as to prevent the negative electrode terminal (22a)

from being in contact with the metal layers (11,11), as shown in Fig. 6. Thus, Kadoma et al. do not disclose the tab extending out from a laminate sheet without being juxtaposed to another tab and, also, the tab formed with the thermally welding resin layer which is thermally welded with the thermally welding resin layer of the laminate sheet and connected to the electric power generating element with the amount of resin allowing the amount of resin, to be pushed outside by the tab, to be compensated, as required by claims 3, 5, and 14.

The factual determination of lack of novelty under 35 U.S.C. § 102 requires the disclosure in a single reference of each element of a claimed invention. *Helifix Ltd. v. Blok-Lok Ltd.*, 208 F.3d 1339, 54 USPQ2d 1299 (Fed. Cir. 2000); *Electro Medical Systems S.A. v. Cooper Life Sciences, Inc.*, 34 F.3d 1048, 32 USPQ2d 1017 (Fed. Cir. 1994); *Hoover Group, Inc. v. Custom Metalcraft, Inc.*, 66 F.3d 399, 36 USPQ2d 1101 (Fed. Cir. 1995); *Minnesota Mining & Manufacturing Co. v. Johnson & Johnson Orthopaedics, Inc.*, 976 F.2d 1559, 24 USPQ2d 1321 (Fed. Cir. 1992); *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051 (Fed. Cir. 1987). Because Kodama et al. do not disclose a tab extending out from the laminate sheet without being juxtaposed to another tab, as required by claims 3, 5, and 14, Kodama et al. do not anticipate claims 3, 5, and 14.

Applicants further submit that Kodama et al. do not suggest the claimed battery element internally sealed in a laminate sheet, laminate battery, and method of manufacturing a laminate battery.

Claim 13 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Kodama et al. (JP 2000-277093) in view of Takahashi et al. (US 2001/0038938). This rejection is traversed, and reconsideration and withdrawal thereof respectfully requested.

Kodama et al. and Takahashi et al., whether taken alone or in combination, do not suggest the claimed laminate battery because Takahashi et al. do not cure the deficiencies of Kadoma et al. Takahashi et al. do not suggest a tab extending out from the laminate sheet without being juxtaposed to another tab, as required by claim 5.

Takahashi et al. do not disclose that a tab extending out from the laminate sheet without being juxtaposed to another tab and that the tab and the thermally welding resin layer are welded by permitting the thermally welding area, which is formed in at least one of thermally welding resin layer and the tab, and the other of the thermally welding resin layer and the tab to be welded to one another with the amount of the resin allowing the amount of resin, to be pushed outside by the tab, to be compensated, as required by claim 5.

The dependent claims are allowable for at least the same reasons as the respective independent claims from which they depend and further distinguish the claimed battery element internally sealed in a laminate sheet and laminate battery. For example, claim 7 further requires that a thickness of the thermally welding area of the thermally welding resin layer is determined to be larger than a thickness of a remaining area of the portion to be thermally welded by a value equal to or greater than one half of the thickness of the tab. The cited references do not suggest a laminate battery with these specific thickness limitations.

In light of the above Amendment and Remarks, this amendment should be entered, the application allowed, and the case passed to issue. If there are any questions regarding these remarks or the application in general, a telephone call to the undersigned would be appreciated to expedite prosecution of the application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper,

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including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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